

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**IN RE: FRESINIUS  
GRANUFLO/NATURALYTE DIALYSATE  
PRODUCTS LIABILITY LITIGATION**

**MDL NO. 1:13-MD-2428-DPW**

**THIS DOCUMENT RELATES TO:  
ALL CASES**

**PLAINTIFF LEADERSHIP’S PETITION FOR AWARD AND ALLOCATION OF  
COMMON BENEFIT FEES**

The parties have now consummated and Fresenius has funded the global settlement.

The MDL Plaintiffs’ Executive Committee (“PEC”), and the Massachusetts state consolidated proceeding’s Plaintiffs’ Steering Committee (“PSC”), respectfully now jointly move this Court, pursuant to CMO No. 14 (Revised), for an award and allocation of common benefit fees.

The total amount for which Plaintiffs’ leadership seeks reimbursement for common benefit fees, is \$15,870,491.01.

A proposed Order is filed herewith for the Court’s consideration.

As set forth in the accompanying Memorandum and Affidavit from the MDL Court appointed accountant, Philip A. Garrett, CPA:

1. The Plaintiffs’ Leadership has well and properly performed its duties in managing, litigating and bringing to a successful resolution this complex state-federal coordinated litigation;

2. The nature and volume of work and total hours applied towards the common benefit of all plaintiffs is reasonable and complies with the requirements of CMO 14 (Revised); and,
3. The Court should defer and be guided by Plaintiff Leadership's proposed allocation of percentages of the overall available common benefit fees to each of the common benefit law firms, especially given: (a) the unanimous agreement and recommendation of the Common Benefit Fee Committee; and (b) the overwhelming support of the proposed allocation by the common benefit law firms.

Dated: December 12, 2017

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this 12<sup>th</sup> of December, 2017, a copy of the foregoing has been duly served via ECF, with courtesy copies also served upon all known plaintiff counsel with settlement opt in cases via electronic mail this day, and a courtesy copy sent to:

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(Lead Counsel for Fresenius Medical Care North America)

/s/ Anthony Tarricone  
Anthony Tarricone, Esq.